

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

STATE OF ARIZONA, *et al.*,

PLAINTIFFS,

v.

MERRICK GARLAND, in his official
capacity as Attorney General of the United
States, *et al.*,

DEFENDANTS.

CIVIL ACTION No. 6:22-cv-01130

PLAINTIFFS' MOTION FOR AN EXPANSION OF PAGES

MOTION FOR EXPANSION OF PAGES

Plaintiff States are a coalition of 20 sovereign states of the Union. They respectfully request leave to exceed the page limit set forth in Local Rule 7.8 and file a 38-page memorandum in support of their Motion for a Preliminary Injunction. As good cause for this request, Plaintiff States represent:

1. Plaintiff States filed this action alleging that on March 29, 2022, Defendants published an Interim Final Rule (the “Asylum IFR”), 87 Fed. Reg. 18,163 (Mar. 29, 2022). That Rule eviscerates crucial safeguards to our nation’s immigration system and flouts clear statutory commands enacted by Congress. Defendants’ Asylum IFR makes it substantially easier for unauthorized economic migrants to enter the United States and obtain asylum through false claims.

2. Defendants’ Asylum IFR is set to take effect on May 31, 2022, absent judicial intervention. Once it becomes effective, Defendants estimate that it may increase aliens’ asylum applications by as much as a factor of three, to 300,000 asylum applications per year. It will also incentivize significantly higher levels of illegal immigration and lead to a large increase of unauthorized aliens illegally crossing the border and entering the United States. This will cause significant harm to the Plaintiff States.

3. As detailed in their First Amended Complaint and the Memorandum in support of their Motion for a Preliminary Injunction, the Asylum IFR violates the Administrative Procedure Act (“APA”) in three independent ways: (1) Defendants adopted the Asylum IFR in excess of statutory authority because it directly violates the Immigration and Nationality Act, the Homeland Security Act, and the Secure Fence Act; (2) Defendants violated the APA’s requirement of notice-and-comment rulemaking procedures without validly invoking an exception to those mandates and (3) Defendants’ Asylum IFR is arbitrary and capricious because it *inter alia* (a) failed to consider the harms that the Asylum IFR would inflict upon States and their reliance interests in the current asylum system and (b)

failed to consider the immigration consequences of their action, including the consequences of the resulting surge in immigration and drug trafficking that will result.

4. The issues raised by this action are of extraordinary importance. Indeed, the severe negative consequences of Defendants' actions have prompted widespread public outcry.

5. In order to adequately brief the issues raised by this case, Plaintiff States respectfully request leave to file the attached 38-page brief in support of their Motion for a Preliminary Injunction. The additional pages would further the parties' and the Court's shared interest in ensuring that all legal issues presented by this case are adequately and thoroughly presented.

6. Plaintiff States consent to a reciprocal expansion for any opposition filed by Defendants.

CONCLUSION

For the foregoing reasons, this Court should grant Plaintiff States' motion for an expansion of pages for their memorandum in support of their motion for a preliminary injunction.

Dated: May 13, 2022

MARK BRNOVICH
Attorney General
BRUNN ("BEAU") W. ROYSDEN III *
Solicitor General
DREW C. ENSIGN **
Deputy Solicitor General
JAMES K. ROGERS *
Senior Litigation Counsel
OFFICE OF THE ARIZONA ATTORNEY
GENERAL
2005 North Central Avenue
Phoenix, AZ 85004
beau.roysden@azag.gov
drew.ensign@azag.gov
james.rogers@azag.gov

Counsel for Plaintiff State of Arizona

STEVE MARSHALL
Alabama Attorney General
EDMUND G. LACOUR JR.*
Solicitor General
OFFICE OF THE ATTORNEY GENERAL
STATE OF ALABAMA
501 Washington Avenue
P.O. Box 300152
Montgomery, Alabama 36130-0152
Telephone: (334) 242-7300
Edmund.LaCour@AlabamaAG.gov

Counsel for Plaintiff State of Alabama

Respectfully submitted,
By: /s/ Drew C. Ensign

ELIZABETH B. MURRILL (La #20685)
Solicitor General
J. SCOTT ST. JOHN (La #36682)
Deputy Solicitor General
LOUISIANA DEPARTMENT OF JUSTICE
1885 N. Third Street
Baton Rouge, Louisiana 70804
Tel: (225) 326-6766
murrille@ag.louisiana.gov
stjohnj@ag.louisiana.gov

Counsel for Plaintiff State of Louisiana

ERIC S. SCHMITT
Attorney General
D. JOHN SAUER *
Solicitor General
OFFICE OF THE MISSOURI
ATTORNEY GENERAL
Supreme Court Building
P.O. Box 899
Jefferson City, MO 65102
Phone: (573) 751-3321
John.Sauer@ago.mo.gov

Counsel for Plaintiff State of Missouri

TREG R. TAYLOR
Attorney General of Alaska
CORI M. MILLS*
Deputy Attorney General of Alaska
CHRISTOPHER A. ROBISON*
Assistant Attorney General
Alaska Department of Law
1031 West 4th Avenue, Suite 200
Anchorage, AK 99501-1994
chris.robison@alaska.gov

Counsel for Plaintiff State of Alaska

LESLIE RUTLEDGE

Arkansas Attorney General

NICHOLAS J. BRONNI*

Solicitor General

DYLAN L. JACOBS*

Deputy Solicitor General

OFFICE OF THE ARKANSAS

ATTORNEY GENERAL

323 Center Street, Suite 200

Little Rock, Arkansas 72201

(501) 682-2007

Nicholas.Bronni@arkansasag.gov

Dylan.Jacobs@arkansasag.gov

Counsel for Plaintiff State of Arkansas

CHRISTOPHER M. CARR

Attorney General of Georgia

STEPHEN J. PETRANY*

Solicitor General

OFFICE OF THE GEORGIA

ATTORNEY GENERAL

40 Capitol Square, SW

Atlanta, Georgia 30334

(404) 458-3408

spetrany@law.ga.gov

Counsel for Plaintiff State of Georgia

THEODORE E. ROKITA

Indiana Attorney General

BETSY M. DENARDI*

Director of Complex Litigation

Indiana Government Center South

302 W. Washington St., 5th Floor

Indianapolis, IN 46204

Betsy.DeNardi@atg.in.gov

Counsel for Plaintiff State of Indiana

ASHLEY MOODY

Attorney General

JAMES H. PERCIVAL*

Deputy Attorney General of Legal Policy

OFFICE OF THE FLORIDA

ATTORNEY GENERAL

The Capitol, Pl-01

Tallahassee, Florida 32399-1050

Phone: (850) 414-3300

james.percival@myfloridalegal.com

Counsel for Plaintiff State of Florida

LAWRENCE G. WASDEN

Attorney General,

BRIAN KANE*

Chief Deputy Attorney General

OFFICE OF THE IDAHO ATTORNEY

GENERAL

700 W. Jefferson Street, Ste. 210

P.O. Box 83720

Boise, ID 83720

Telephone: (208) 334-2400

Email: Brian.Kane@ag.idaho.gov

Counsel for Plaintiff State of Idaho

DEREK SCHMIDT

Attorney General

DWIGHT R. CARSWELL*

Deputy Solicitor General

OFFICE OF THE KANSAS ATTORNEY

GENERAL

120 SW 10th Ave., 3rd Floor

Topeka, KS 66612-1597

dwight.carswell@ag.ks.gov

Counsel for Plaintiff State of Kansas

DANIEL CAMERON

Attorney General of Kentucky
MARC MANLEY*

Associate Attorney General
KENTUCKY OFFICE OF THE
ATTORNEY GENERAL
700 Capital Avenue, Suite 118
Frankfort, Kentucky
Tel: (502) 696-5478

Counsel for Plaintiff Commonwealth of Kentucky

LYNN FITCH

Attorney General of Mississippi
JUSTIN L. MATHENY*
Deputy Solicitor General
OFFICE OF THE MISSISSIPPI
ATTORNEY GENERAL
P.O. Box 220
Jackson, MS 39205-0220
Tel: (601) 359-3680
justin.matheny@ago.ms.gov

Counsel for Plaintiff State of Mississippi

DOUGLAS J. PETERSON

Attorney General
JAMES A. CAMPBELL*
Solicitor General
OFFICE OF THE NEBRASKA ATTORNEY
GENERAL
2115 State Capitol
Lincoln, Nebraska 68509
Tel: (402) 471-2682
jim.campbell@nebraska.gov

Counsel for Plaintiff State of Nebraska

ALAN WILSON

South Carolina Attorney General
THOMAS T. HYDRICK*
Assistant Deputy Solicitor General
Post Office Box 11549
Columbia, SC 29211
(803) 734-4127
thomashydrick@scag.gov

AUSTIN KNUDSEN

Attorney General
DAVID M.S. DEWHIRST*
Solicitor General
MONTANA DEPARTMENT OF JUSTICE
215 N Sanders St
Helena, MT 59601
P. (406) 444-2026
David.Dewhurst@mt.gov

Counsel for Plaintiff State of Montana

JOHN M. O'CONNOR

Attorney General of Oklahoma
BRYAN CLEVELAND*
Deputy Solicitor General
OKLAHOMA ATTORNEY GENERAL'S
OFFICE
313 NE 21st Street
Oklahoma City, OK 73105
Phone: (405) 521-3921

Counsel for Plaintiff State of Oklahoma

Sean D. Reyes

Utah Attorney General
Melissa Holyoak
Utah Solicitor General
350 N. State Street, Suite 230
P.O. Box 142320
Salt Lake City, UT 84114-2320
(801) 538-9600
melissaholyoak@agutah.gov

Counsel for Plaintiff State of Utah

PATRICK MORRISEY

Attorney General
LINDSAY SEE*
Solicitor General
OFFICE OF THE WEST VIRGINIA
ATTORNEY GENERAL
State Capitol, Bldg 1, Room E-26
Charleston, WV 25305
(681) 313-4550
Lindsay.S.See@wvago.gov

Counsel for the State of South Carolina

BRIDGET HILL

Attorney General of Wyoming

RYAN SCHELHAAS*

Chief Deputy Attorney General

OFFICE OF THE WYOMING ATTORNEY
GENERAL

109 State Capitol

Cheyenne, WY 82002

Tel: (307) 777-5786

ryan.schelhaas@wyo.gov

Counsel for Plaintiff State of West Virginia

Counsel for Plaintiff State of Wyoming

* Pro hac vice application forthcoming

** Pro hac vice application granted